

PATENT
Appl. No. 09/843,589
Attorney Docket No. 450103-05764

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-12, 19-29, and 34-50 will be pending. By this amendment, claims 9-12 and 27-29 have been amended. No new matter has been added.

Allowable Subject Matter of Claims 1-8, 19-26, 34-38, and 45-47

It is appreciatively noted that claims 1-8, 19-26, 34-38, and 45-47 are allowed. It is also noted that in allowing these claims, the Office Action of November 16, 2005 ("the Office Action") states that "[r]eferring to all of the independent claims, the prior art of record fails to anticipate or rendered obvious an interactive enabling system for managing interactive program content associated with enhanced program content and interactive commercial content comprising the combined elements/steps including "the broadcast stream further including interactive program triggers and interactive commercial triggers for retrieving the interactive program and commercial content". The Office Action further states that "Andrade and Barone fail to disclose a broadcast stream including both interactive program triggers and interactive commercial triggers for retrieving the interactive program and commercial content."

Allowable Subject Matter of Claims 40, 41, 49, and 50

It is also appreciatively noted that claims 40, 41, 49, and 50 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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§102 Rejection of Claims 9, 27, 39, and 42

In Section 4 of the Office Action, claims 9, 27, 39, and 42 stand rejected under 35 U.S.C. §102(e) as being anticipated by Barone (U.S. Patent Application No. 2005/0005303). This rejection is respectfully traversed.

System claim 9 has been amended to clarify the language as follows:

An interactive enabling system for managing interactive program content associated with enhanced program content and interactive commercial content associated with commercial spots, the system comprising:

an interactive enabling device coupled for receiving a broadcast stream generated by a broadcast sponsor and for responding to interactive program pre-triggers and commercial pre-triggers inserted into the broadcast stream for retrieving the interactive program and commercial content in advance of when the content is needed, said broadcast stream including the enhanced program content and the commercial spots; and

at least one interactive content server coupled through a communication link for communicating with an interactive control application in the interactive enabling device;

wherein the interactive enabling device executes the interactive control application to manage the retrieval of the interactive program and commercial content in response to the interactive program pre-triggers and commercial pre-triggers; and

wherein the interactive enabling device is configured to respond to an interactive commercial pre-trigger that has been embedded in the enhanced program content in the broadcast stream.

(emphasis added)

Accordingly, in one aspect of claim 9, the interactive enabling system includes *an interactive enabling device* to receive a broadcast stream generated by a broadcast sponsor and for responding to **both** interactive program pre-triggers and commercial pre-triggers. See Paragraph [0067] of the Specification.

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By contrast, as stated in the Office Action, Barone fails to disclose a broadcast stream including both interactive program triggers and interactive commercial triggers for retrieving the interactive program and commercial content.

Based on the foregoing discussion, claim 9, as amended, should be allowable over Barone. Further, since independent claim 27 closely parallels, and recites substantially similar limitations as recited in, claim 9, claim 27 should also be allowable over Barone. Since claims 39 and 42 depend from claim 9, claims 39 and 42 should also be allowable over Barone.

Accordingly, it is submitted that the rejection of claims 9, 27, 39, and 42 based upon 35 U.S.C. §102(e) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 10, 11, and 28

In Section 6 of the Office Action, claims 10, 11, and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Barone in view of Markel (U.S. Patent No. 6,791,579).

Based on the foregoing discussion regarding claims 9 and 27, and since claims 10, 11, and 28 depend from one of claims 9 and 27, claims 10, 11, and 28 should be allowable over Barone. Further, it was stated that Markel is cited "for receiving interactive program and commercial pre-triggers that were inserted into the broadcast stream by the broadcast sponsor at a specific time in advance". Thus, Barone and Markel, individually or in combination, fail to teach or suggest providing an interactive enabling device to receive a broadcast stream generated by a broadcast sponsor and for responding to both interactive program pre-triggers and commercial pre-triggers. Therefore, Barone and Markel fail to teach or suggest all the limitations of claims 10, 11, and 28.

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Accordingly, it is submitted that the rejection of claims 10, 11, and 28 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 12, 29, 43, 44, and 48

In Section 7 of the Office Action, claims 12, 29, 43, 44, and 48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Barone in view of Zigmond (U.S. Patent No. 6,330,719).

Based on the foregoing discussion regarding claims 9 and 27, and since claims 12, 29, 43, 44, and 48 depend from one of claims 9 and 27, claims 12, 29, 43, 44, and 48 should be allowable over Barone. Further, it was stated that Zigmond is cited for disclosing "a randomizer". Thus, Barone and Zigmond, individually or in combination, fail to teach or suggest providing an interactive enabling device to receive a broadcast stream generated by a broadcast sponsor and for responding to both interactive program pre-triggers and commercial pre-triggers. Therefore, Barone and Zigmond fail to teach or suggest all the limitations of claims 12, 29, 43, 44, and 48.

Accordingly, it is submitted that the rejection of claims 12, 29, 43, 44, and 48 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment and the allowance of this application with claims 1-12, 19-29, and 34-50 are respectfully solicited.

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In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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